

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

COLE SCHOTZ P.C.

Michael D. Sirota, Esq. (NJ Bar No. 014321986)
Warren A. Usatine, Esq. (NJ Bar No. 025881995)
Court Plaza North, 25 Main Street
Hackensack, New Jersey 07601
(201) 489-3000
msirota@coleschotz.com
wusatine@coleschotz.com

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)
Christine A. Okike, P.C. (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
(212) 446-4800
jsussberg@kirkland.com
christine.okike@kirkland.com

HAYNES AND BOONE, LLP

Richard S. Kanowitz, Esq. (NJ Bar No. 047911992)
Kenric D. Kattner, Esq. (admitted *pro hac vice*)
30 Rockefeller Plaza, 26th Floor
New York, New York 10112
(212) 659-7300
richard.kanowitz@haynesboone.com
kenric.kattner@haynesboone.com

Attorneys for Debtors and Debtors in Possession

In re:

BLOCKFI INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 22-19361 (MBK)

(Jointly Administered)



Order Filed on July 21, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**CONSENT ORDER EXTENDING THE
GOVERNMENTAL BAR DATE FOR CERTAIN CLAIMS
TO AUGUST 15, 2023 FOR THE UNITED STATES OF AMERICA**

The relief set forth on the following pages numbered two (2) through four (4) is **ORDERED**.

DATED: July 21, 2023

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

(Page 2)

Debtors: BLOCKFI INC., *et al.*

Case No.: 22-19361 (MBK)

Caption of Order: CONSENT ORDER EXTENDING GOVERNMENTAL BAR DATE FOR CERTAIN CLAIMS TO AUGUST 15, 2023 FOR THE UNITED STATES OF AMERICA

RECITALS

WHEREAS, on November 28, 2022, the Debtors commenced these Chapter 11 Cases;

WHEREAS, on January 30, 2023, the Bankruptcy Court entered its *Order (I) Setting Bar Dates for Submitting Proofs of Claim, (II) Approving Procedures for Submitting Proofs of Claim, (III) Approving Notice Thereof, and (IV) Granting Related Relief* [[Docket No. 440](#)] (the “Bar Date Order”), which established 5:00 p.m. (prevailing Eastern Time) on May 30, 2023 as the Governmental Bar Date (defined therein);

WHEREAS, section 105(a) of the Bankruptcy Code provides that a bankruptcy court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions [of the Bankruptcy Code].” [11 U.S.C. § 105\(a\)](#);

WHEREAS, section 502(b)(9)(A) of the Bankruptcy Code provides, in relevant part, that “the court . . . shall allow such claim . . . except to the extent that . . . proof of such claim is not timely filed . . . except that . . . a claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief *or such later time as the Federal Rules of Bankruptcy Procedure may provide*” [11 U.S.C. § 502\(b\)\(9\)\(A\)](#) (emphasis supplied);

WHEREAS, Bankruptcy Rule 3003(c)(3) provides that “[t]he court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed” and Bankruptcy Rule 9006(b) provides further that “when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period

(Page 3)

Debtors: BLOCKFI INC., *et al.*

Case No.: 22-19361 (MBK)

Caption of Order: CONSENT ORDER EXTENDING GOVERNMENTAL BAR DATE FOR CERTAIN CLAIMS TO AUGUST 15, 2023 FOR THE UNITED STATES OF AMERICA

enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order” [Fed. R. Bankr. P. 3003\(c\)\(3\)](#), [9006\(b\)](#);

WHEREAS, Local Rule 3003-1(a)(2) provides that “[a] governmental unit subject to Bankruptcy Rule 3003(c)(2) must file a proof of claim not later than 180 days after the date of the order for relief.” D.N.J. LBR 3003-1(a)(2);

WHEREAS, Local Rule 9021-1(b) provides further that “[a] proposed consent order submitted in lieu of a motion may be presented by application. The application must include the facts and law supporting entry of the proposed consent order.” D.N.J. LBR 9021-1(b); and

WHEREAS, the Debtors and the United States have agreed to an extension of the Governmental Bar Date to 5:00 p.m. (prevailing Eastern Time) on August 15, 2023 for the United States solely related to claims (as defined in section 101(5) of the Bankruptcy Code), if any, arising from or related to the adversary proceeding filed by the Official Committee of Unsecured Creditors in the United States Bankruptcy Court for the District of New Jersey, Adv. Pro. No. 23-01144, which proceeding is related to four seizure warrants served on BlockFi in connection with the action styled *United States of America v. Sergei Potapenko and Ivan Turogin*; Cause No. 2:22-CR-00185-RSL pending in the United States District Court for the Western District of Washington in Seattle.

(Page 4)

Debtors: BLOCKFI INC., *et al.*

Case No.: 22-19361 (MBK)

Caption of Order: CONSENT ORDER EXTENDING GOVERNMENTAL BAR DATE FOR CERTAIN CLAIMS TO AUGUST 15, 2023 FOR THE UNITED STATES OF AMERICA

STIPULATION AND CONSENT ORDER

NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY AGREED, BY AND BETWEEN THE PARTIES, AND UPON BANKRUPTCY COURT APPROVAL, IT IS HEREBY ORDERED THAT:

1. The Governmental Bar Date set forth in the Bar Date Order is hereby extended to **5:00 p.m. (prevailing Eastern Time) on August 15, 2023** for the United States solely related to claims (as defined in section 101(5) of the Bankruptcy Code), if any, arising from or related to the adversary proceeding filed by the Official Committee of Unsecured Creditors in the United States Bankruptcy Court for the District of New Jersey, Adv. Pro. No. 23-01144, which proceeding is related to four seizure warrants served on BlockFi in connection with the action styled *United States of America v. Sergei Potapenko and Ivan Turogin*; Cause No. 2:22-CR-00185-RSL pending in the United States District Court for the Western District of Washington in Seattle.

2. Nothing in this consent order (this “Consent Order”) constitutes: (a) a determination of the validity of any particular claim against the Debtors, (b) a waiver of the Debtors’ rights to dispute any particular claim on any grounds, or (c) a waiver or limitation of the Debtors’ rights under the Bankruptcy Code or any other applicable law.

3. The Bankruptcy Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Consent Order.

4. The signatories below have authority to enter into this Consent Order.

/s/ Michael D. Sirota

COLE SCHOTZ P.C.

Michael D. Sirota, Esq. (NJ Bar No. 014321986)
Warren A. Usatine, Esq. (NJ Bar No. 025881995)
Court Plaza North, 25 Main Street
Hackensack, New Jersey 07601
(201) 489-3000
msirota@coleschotz.com
wusatine@coleschotz.com

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)
Christine A. Okike, P.C. (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
(212) 446-4800
jsussberg@kirkland.com
christine.okike@kirkland.com

HAYNES AND BOONE, LLP

Richard S. Kanowitz, Esq. (NJ Bar No. 047911992)
Kenric D. Kattner, Esq. (admitted *pro hac vice*)
30 Rockefeller Plaza, 26th Floor
New York, New York 10112
(212) 659-7300
richard.kanowitz@haynesboone.com
kenric.kattner@haynesboone.com

Attorneys for Debtors and Debtors in Possession

/s/ Seth Brandon Shapiro

U.S. DEPARTMENT OF JUSTICE

CIVIL DIVISION

COMMERCIAL LITIGATION BRANCH

Seth Brandon Shapiro, Esq.
Senior Trial Counsel
1100 L Street, N.W.-7th Floor-Room 7114
Washington, D.C. 20005
(703) 505-2711
seth.shapiro@usdoj.gov

Attorney for the United States of America